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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,018	09/12/2003	Robert M. Hunt	GP-303369	6819

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EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,018

Applicant(s)

HUNT, ROBERT M.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: on line 1, “open” should be “opening”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al.

Scott et al. (6,003,923) disclose a pickup truck comprising: a cab (Figure 2C); a sidewall at least partially defining a pickup truck cargo box, the sidewall having a forward portion and a rearward portion with an elongated opening (Figure 6A) formed in the sidewall between the cab and the rearward portion; and at least one fastening element 18 (and in general area 19) mounted with respect to the sidewall for mounting any one of a plurality of differently-configured sidewall modules (Figure 6) at least partially within the elongated opening to provide or alter functionality of the sidewall.

With regard to claim 2, the at least one fastening element faces the elongated opening.

With regard to claim 4, the at least one fastening element is configured for releasable engagement with a complementary fastening element on the sidewall module to enable module interchangeability.

With regard to claim 5, the elongated opening extends from the forward portion to the rearward portion of the sidewall.

For claim 16, Scott et al. inherently disclose a method of adding or altering pickup truck sidewall functionality, the method comprising: possessing a pickup truck, the pickup truck including a cab (Figure 2C) and a first sidewall, the first sidewall having a first forward portion and a first rearward portion with a first elongated opening (Figure 6A) formed in the first sidewall between the cab and the first rearward portion, and a first fastening element 18 mounted with respect to the first sidewall for mounting any one of a plurality of differently-configured sidewall modules at least partially within the first elongated opening to provide or alter functionality of the first sidewall; and attaching a first sidewall module to the pickup truck such that the first sidewall module is at least partially within the first elongated opening.

With regard to claim 17, the pickup truck has a second sidewall having a second forward portion and second rearward portion with a second elongated opening formed in the second sidewall between the cab and the second rearward portion, and a second fastening element mounted with respect to the second sidewall for mounting any one of a second plurality of differently-configured sidewall modules at least partially within the second elongated opening to provide or alter functionality of the second sidewall; and wherein the method further comprises attaching a second side wall module to the pickup truck such that the second sidewall module is at least partially within the second elongated opening; and wherein the second sidewall module is differently-structured and has a different functionality from the first sidewall module.

With regard to claim 18, the method further comprises removing a second sidewall module from the first elongated opening prior to the step of attaching the first sidewall module,

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the second sidewall module being differently-structured and having a differently functionality from the first sidewall module.

4. Claims 1, 3, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al.

Nelson et al. (4,126,349) disclose a pickup truck comprising: a cab D; a sidewall at least partially defining a pickup truck cargo box, the sidewall having a forward portion and a rearward portion with an elongated opening (between 18a and 18e, Figure 6) formed in the sidewall between the cab and the rearward portion; and at least one fastening element 15, 16, 27 mounted with respect to the sidewall for mounting any one of a plurality of differently-configured sidewall modules 18c at least partially within the elongated opening to provide or alter functionality of the sidewall.

With regard to claim 3, the opening is uncovered and upwardly open when module 18c is removed.

For claim 19, Nelson et al. disclose a truck comprising: a sidewall having a forward portion and a rearward portion with an elongated opening (between 18a and 18e) formed in the sidewall between the forward and rearward portion, the opening being uncovered and upwardly open (when no module 18c is present); and at least one fastening element 15, 16, 27 facing the elongated opening (Figure 6) and at which any one of a plurality of differently-configured sidewall modules 18c is releasably mountable to provide or alter functionality of the sidewall.

5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Lyall.

For claim 19, Lyall (5,000,502) discloses a truck comprising: a sidewall having a forward portion and a rearward portion with an elongated opening (Figures 2-3) formed in the sidewall between the forward and rearward portion, the opening being uncovered and upwardly open; and at least one fastening element (such as rails) facing the elongated opening and at which any one of a plurality of differently-configured sidewall modules 14, 15 is releasably mountable to provide or alter functionality of the sidewall.

With regard to the “pickup truck” recitation in the preamble of the claim, this language is not believed to limit the claim. Specifically, the claim preamble has the import that the claim as a whole suggests for it. In this case, the body of the claim makes no mention to any specific features that a “pickup truck” would possess and the preamble merely states the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention’s limitations. Therefore, the preamble is not considered a limitation and is of no significance to claim construction. See *Kropa v. Robie*, 187 F.2d at 152, 88 USPQ2d at 480-481 and also see MPEP 2111.02.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. Any response to this final action should be mailed to:

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 872-9327, (for formal communications; please mark "EXPEDITED
PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly label
"PROPOSED" or "DRAFT").



Hilary Gutman
March 11, 2005